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SOME EARLY RECOLLECTIONS.

FOURTH PAPER.

I HAVE to say a few more words regarding the French prisoners of war, but before doing so, I propose to tell a little story of humble life.

In a thatched cottage not far from my father's residence in the small town by the Tweed, so often referred to, there dwelt a decent old woman, a widow, with her grown-up son and daughter. It was a primitive unambitious establishment. The family, though well off, lived in a frugal old-fashioned manner, incurred no debt, and were scrupulously attentive to religious duties. By the death of his father, Will Broun, as he was familiarly called, dropped into the enviable position of a *bonnet laird*—that is, a land-proprietor on a small scale. Besides the cottage, consisting of a *but* and a *ben* (an outer and inner apartment), and a good garden in the rear, he inherited several patches of land, perhaps amounting altogether to six acres, such being amply sufficient for raising potatoes, as well as grass and turnips for a cow. As, beyond all these riches, a certain income was derived from Will's industry, things were placed on a pleasantly sound footing. All that he needed to do was to hold quietly on, as his forefathers had done for I cannot tell how many generations.

Some people, as the saying is, do not know when they are well off. Sottish folly and extravagance are a pretty common method of ruination. Will brought himself to poverty through an entirely different course of procedure, such as I have never seen noticed in literature; perhaps because no one could conceive anything so utterly ridiculous. He had a good education—so good, that he was able to translate the scraps of Latin on the tombstones in the churchyard, on which he would sometimes expatiate; and here I touch on that thread of vanity which ran through his complicated character.

This pretension to scholarship was a weakness, but a harmless weakness, and one could have passed it over, had Will shewn any robustness of character otherwise. Unfortunately,

Will became acquainted with an Irishman of a humble type, one of those who visited Scotland with a view of picking up a few bounties to act as substitutes in the militia, and who, on pocketing the cash, set off on their way home—such being a far from uncommon plan of making a little money during the heat of the French war. Influenced by the counsels of this adventurer, Will, in company with a townsman, made an excursion through Ireland, and from that time may be said never to have done any good. Demoralised, from the haunts into which he had been drawn, he returned with a fanatical veneration for rags, Irish mendicants, and indeed everything which savoured of an abject social condition. According to his notions, all that was estimable belonged to the poor and struggling classes; all who moved in a dignified, or simply respectable position, were worthless oppressors. Everybody, of course, laughed at and pitied these whimsicalities. Will was in a certain sense crazy. 'He's no an ill fellow,' neighbours used to say; 'he's clever and weel educate; if he would only mind who he's come o', and have a wee bit pride, there would be nae fear o' him; instead o' that, he tak's up wi' low companions, and they'll some day be his ruin.' Such, as I recollect, were the prognostications about this strange being—and they were verified.

Taking all heritable advantages into account, Will might have aspired to marry in his own, if not in a superior rank, but that would have been a violation of principle. He sought a wife in a subordinate department of society; though, in sooth, the woman on whom he fixed his affections was, in point of industrious habits and common-sense, much better than he was. I knew Tibby Tait, a brisk Scottish lass, when she was 'just entered in her teens.' She worked at the loom, and was one of the best cotton-weavers in the town, earning perhaps as much as five-and-twenty shillings a week; for as yet hand-loom weaving had not suffered materially from Cartwright's magnificent invention of the power-loom.

How Tibby should have been put to the unfeminine occupation of weaving, involves some

family details. Her father, Jock, a bulky man of lazy and self-indulgent propensities, had the bad, or probably the good, fortune to be struck with palsy on the left side, which at once furnished him with an unchallengeable excuse for working no more during the rest of his life. As is customary in cases of this sort, the means of livelihood were conveniently thrown on the wife and children. Tibby and her brother were respectively put to a loom in an apartment on the left-hand side of the doorway as you entered the humble dwelling. On the right hand was the kitchen, parlour, bedroom, or whatever you like to call it, where sat Jock, idle and dignified, in an arm-chair at the fire-side, smoking a short black pipe, and complacently surveying his wife, Nelly, a tidy and assiduous being, at her incessant occupation of winding pirns for the weavers in the neighbourhood. As a child dropping in with errands, I received impressions of the scene that remain like a picture photographed on remembrance. The sunlight seems to me still glinting through the window, and falling on Nelly, seated on a 'creepie,' or low stool, birling at her wheel, and mingling with its booming sound the cheerful notes of a song from *The Gentle Shepherd*:

When first my young laddie gaed to the green hill,
And I at ewe-milking first sey'd my young skill,
To bear the milk bowie nae pain was to me,
When I at the buchtin' forgather'd wi' thee—

which charming lyric she sings in a lightsome way, as a relief to her feelings. From the outer room across the passage, comes the lively clicking noise of shuttles, which, like the booming of Nelly's wheel, imparts a placid satisfaction to Jock, as signifying that all this diligent industry is for his special advantage. The picture includes a member of the establishment, who is about some household work. This was a daughter, Jenny, too young to be set to the loom, and who, meanwhile, fills the situation, without wages, of scout and general factotum. Burns, in his *Cotter's Saturday Night*, speaks of a similarly useful young creature, who

Tentie rins a canny errand to a neebour toun.

The errands which Jenny ran were comparatively limited in circuit, but of pretty frequent occurrence, in connection with the supply of her father's indulgences, in which branches of expenditure Nelly and the other bread-winners were excluded from having a voice. Jock permitted no domestic plebiscite in the matter of his personal indulgences.

Viewing his children as so much mechanical and financial capital, Jock was anything but uplifted at the prospect of Tibby making what was thought a good marriage. The happiness of the girl never entered his thoughts. He clearly and logically felt that the loss of his daughter's earnings was plainly an abstraction of so much tobacco, whisky, and other personal solacements. This was of course very shabby and very selfish, but by no means singular. Jock only thought as others think daily. In certain sections of the community, as is well

known, children are valued only according to their contribution to the family earnings; and, like slaves, have no right to remonstrate. He was heard to observe that the taking away of Tibby 'would be a loss o' a red guinea to him every week.' A bereaved slave-owner could not have spoken more feelingly.

Whether Jock liked it or not, the marriage took place. The previous decease of Will's mother and sister happily left the coast clear for Tibby, who, transferred from drudgery at the loom, took her place as the wife of a bonnet laird, for which her education did not exactly qualify her. She had, however, hardly time to settle down in this new phase of life, when Will suddenly took it into his head to sell off the old heritage—land, house, cow, and everything—turn the whole into money, and remove to Penicuik, in order to set up as 'a merchant,' that is to say, to keep a grocer's shop and sell a dram—an occupation for which the Scotch have somehow a remarkable fancy when everything else fails. Tibby was still less qualified to do justice to this kind of business, but, like a dutiful wife, she promised to do her best, Will, at the same time, graciously assuring her that he would take entire charge of the liquor department. So, here they began their mercantile career. The village at the time was crammed with soldiers, stationed as a guard on the mass of French prisoners of war in the depot that I have imperfectly described.

On the occasion of visiting Penicuik, as has been already noticed in these papers, my father and I, after viewing the merry scene of fiddling and dancing among the prisoners, called upon Will, as being in some degree known to him and his wife. The house he occupied is still extant; being the corner building on the right-hand side as you turn into the village on coming from Edinburgh. Conducted up-stairs to an apartment overlooking the wide open space traversed by the thoroughfare southwards, I went, boy-like, to the window, and, glancing out, was startled by observing one of the prisoners in his yellow garb, escorted by a soldier carrying in his hand a drawn bayonet. To add to my surprise, the prisoner and his military escort came to the door of the house in which we were, and immediately there was an announcement that our host was wanted. Off went Will; and all we learned of the affair was that he had dealings with the prisoners, by disposing of some of their articles of manufacture on commission, besides helping them to purchase raw materials as a matter of trade. The circumstance caused us no concern, and only some time afterwards was it abruptly and unpleasantly brought to remembrance.

Early in 1812, paragraphs and advertisements began to appear in the newspapers, to the effect that French prisoners of war in various depots in England and Scotland, were manufacturing and contriving to dispose of forged bank-notes, regarding which people were cautioned to be on their guard. So far as Scotland was concerned, the notes selected for imitation were said to be chiefly those of the Bank of Scotland and the Commercial Bank, because they had little or no pictorial delineation, and consisted almost entirely of engraved penmanship. Furnished with suitable

paper and a few crow-pens, the prisoners at several of the depots produced a fair imitation, sufficient to impose on the unwary. Their chief difficulty consisted in impressing the seal or stamp. Either by cutting a die themselves, or procuring one from artists outside, they impressed it on the paper as is generally believed by the smart blow of a hammer, in the manner that coins long ago had been struck at the Mint. The impression was no doubt deficient, but among an ignorant class of persons that was not noticed. The inhabitants of the town in which we lived were not a little discomposed by the following advertisement in the newspapers, extending over February and March 1812:

'Several forged notes, in imitation of the notes of the Governor and Company of the Bank of Scotland, having appeared chiefly in the neighbourhood of the depots of French prisoners of war, a caution is hereby, on the part of the said Governor and Company, given against receiving such forged notes in payment. And whoever shall, within three months from the date hereof, give such information as shall be found sufficient, on lawful trial, to convict any one concerned in forging or feloniously uttering any of the said notes, shall receive a reward of a hundred pounds sterling. These forged notes are executed by the hand with a pen or pencil, without any engraving. In most of them, the body of the note has the appearance of foreign handwriting. The names of the bank officers are mostly illegible or ill spelled. The ornamented characters and the figures generally ill executed. The seals are very ill imitated. To this mark particular attention is requested.'

For a time, people were puzzled to know how the forged notes in any abundance could get through the cordon of sentinels who night and day environed the palisades of the respective depots. Judicial investigations cleared up the difficulty. From humane considerations, the prisoners had been indulged in a too free communication with the outer world, as regards buying and selling. This degree of liberty they had abused. In the village or town adjoining the depot, they usually found some person willing to receive packets of the notes for disposal on commission, which packets were either smuggled out by the connivance of sentries, or were carried out clandestinely by the prisoners when on a pretended business errand under escort. At Penicuik, a suspicious connection with these transactions fell on that wayward person, our hero, Will; nor did this surprise us, recollecting what we had seen. Summarily, by a warrant of the sheriff of Midlothian, he was captured, and lodged in the Old Tolbooth of Edinburgh. Intelligence of this unforeseen event created, as I recollect, a hubbub in the limited community among whom I resided. Will was known to be heedless, with no end of whimsical notions about social equality, but until now no one fancied he could have anything to do with the circulation of forged bank-notes. The shock to his old acquaintances was correspondingly great.

Things, fortunately, did not turn out so badly as was feared. There was a dash of the comic in the affair. At his judicial examinations, Will professed to know nothing about forged notes. He was a dealer in 'yarn,' on commission. The prisoners made the yarn, and sent him neatly sealed packets of it for disposal. He understood, though he never

got any right explanation on the subject, that by the jocular term 'yarn' was meant pictures to amuse children. Packets containing five of these imaginary pictures were, when he received them, marked 'Small Yarn'; and packets of larger dimensions bore the inscription 'Large Yarn.' He had been in the habit of executing orders for these packages, knowing absolutely nothing of their contents; and it would have been the last of his actions to engage in a traffic of this sort if he had known that the packages contained forged bank-notes. Being pressed to say who were his customers for 'yarn,' he specified one or two persons in Roxburghshire, who were dealers in sheep, cattle, and so on—respectable individuals, as he always believed. The explanations were ingenious. Will was set down as a sort of simpleton. He could not, with a chance of conviction, be charged with a knowledge of 'felonious utterance.' With a strong admonition, he was dismissed. Thankfully he quitted the Tolbooth, after having, in a sense, 'rubbed shoulders wi' the gallows.' What was done with his customers for 'yarn' in Roxburghshire, I never heard with any precision.

Possibly one of them was a man named Alexander Thomson, *alias* John Laurie, who, on a charge of uttering forged notes, was tried before the High Court of Justiciary, 8th September 1812. When apprehended, he was stripped of all his clothing, and a package containing six forged one-pound notes was found concealed between the sole of his foot and his stocking. At his preliminary examinations, he first represented himself to be a drover of cattle, and got the notes at Berwick-on-Tweed. Then, he said he was a soldier in the Aberdeenshire Militia, and that he found the notes near Dalkeith. These prevarications were against him, but at his trial the jury by a plurality of voices found 'the libel not proven.' A narrow escape!

Determined to go to the root of the matter, the authorities instituted a rigorous search of the depot at Penicuik to discover the leading members of the 'yarn-trade.' They alighted upon seven—quite a syndicate. The following particulars regarding the capture and subsequent escape of these alleged forgers are given in the Edinburgh newspapers of July 21, 1812:

'Very early on Sunday morning, seven French prisoners of war, who were committed to the Tolbooth of this city on suspicion of forgery, effected their escape. They were confined to the north-west room on the third story, and they had penetrated the wall, though very thick, till they got into the chimney of Mr Gilmour's shop [on the ground floor], into which they descended by means of ropes. As they could not force their way out of the shop, they ascended a small stair to the room above, from which they took out half of the window, and descended one by one into the street, and got clear off. In the course of the morning, one of them was retaken in the Grassmarket, being traced by the sooty marks of his feet. We understand that, except one, they all speak broken English. They left a note on the table of the shop, saying they had taken nothing away.' Their names and a description of their persons were appended. Subsequently, three of the prisoners were taken at Glasgow, and another was apprehended in Dublin. That the government would stop at no half-measures in trying to stamp out the trade of forging notes in the prisons, is

evident from a newspaper notice, April 24, 1812: 'La Roche, the French prisoner of war who was left for execution at Launceston by Sir A. Chambre, was executed on Monday at Bodmin for forging bank-notes. The prisoners in Hamoaze could not be induced to believe he would be executed; much lenity having heretofore been extended to French prisoners who had been detected manufacturing notes. But it is now the determination of government to check the ingenuity of the manufacturers by severe measures.'

As for Will, he had got a fright, and refrained in future from any transactions in 'yarn.' His reputation, however, had suffered, and from this time, his course was rapidly downward. At the peace of 1814, the prisoners departed, and so did the host of soldiers who had watched them, leaving Penicuik almost a 'Deserted Village.' Wrecked and ruined in a business for which he had no capacity, and damaged by his connection with the worst of the *détenus*, he and his family migrated to Edinburgh, where he had ample scope to gravitate to a level with the most abject of the population, and to indulge philosophically in companionship with virtuous rags and wretchedness. And there we leave him. The French prisoners of war gave the finishing blow to his career; but in this respect poor Will was not singular. They were the source of bitter ruin in many quarters—were, in fact, a kind of national pest, certainly a fearful incubance. Those on parole, as far as my experience goes, were accomplished, amusing, and orderly in behaviour; but for the most part devoid of any sense of honour as regards incurring or paying debts. It is painful to know, from a Report laid before the House of Commons, that in the years 1810, 1811, and 1812, as many as six hundred and eighty-five French officers and other persons broke their parole, of whom two hundred and forty-two were retaken, and put in confinement. Out of twenty-five French generals, five broke their parole. The Report adds, that 'it is a gratifying circumstance, and a distinguished honour to the British people, that during the war only one Englishman has broken his parole in France, and that one a very young midshipman in the navy, whose advancement in his profession has been terminated in consequence of the act. A contrast more glorious it is scarcely possible to conceive.'

In the condition of those prisoners who patiently kept their parole in the country towns, where they were stationed in parties of from one hundred to two hundred, there was nothing offensive to the feelings. What was truly revolting to every sense of propriety, was the spectacle of vast groups of prisoners—such as three thousand at Penicuik, seven thousand at Perth, ten thousand at Norman Cross, thousands at Dartmoor, and so on—confined like wild beasts for years within palisaded inclosures, and in a state of that utter idleness which led, as we have seen, to criminal acts—forging bank-notes, as it were, to relieve the tedium of their dismal incarceration. In 1811, there were about forty-seven thousand six hundred French prisoners in England, while ten thousand three hundred English languished in the prisons of France. But before the end of hostilities, matters were much worse. At the peace in 1814, the number of French prisoners of war who had to be sent home to their own country amounted to sixty-seven thousand; this being exclusive of some

thousands of Dutch, Danes, and Swiss, who had already been liberated. May we be spared from ever seeing a repetition of this hideous state of things. W. C.

CURIOUS CASE OF STEALING OR NOT STEALING.

IN the year 1872, one George Middleton was a depositor in a post-office savings-bank in which a sum of eleven shillings stood at his credit. He duly gave notice to withdraw ten shillings, and a letter of advice was sent to the post-office at Notting Hill, London, to pay Mr Middleton that sum. He presented himself for payment, when the clerk in charge referred by mistake to another letter of advice for eight pounds sixteen shillings and tenpence, and placed the latter sum upon the counter. He entered the amount in the depositor's pass-book, and stamped it, and Mr Middleton walked away with eight pounds six shillings and tenpence which did not belong to him. There is no doubt Mr Middleton was perfectly aware of what he was doing, and of the clerk's mistake, but probably he little thought that it would require the combined intellect and learning of no less than fifteen judges to decide whether or not he stole that money. To an unlearned mind the case presents no difficulty, but it has divided the judicial bench.

Middleton was tried at the Central Criminal Court on the 23d of September 1872, and was found guilty, the learned common-serjeant reserving, for the opinion of the Court for Crown-cases Reserved, the question whether the circumstances amounted in law to a larceny. The latter court met on the 23d of November following, and was composed of five of the judges, under the presidency of Lord Chief-baron Kelly. The court could not agree, and the case was again reserved, this time for the opinion of *all* the judges. On the 25th of January 1873, it was argued by the then Attorney-general, Sir John Coleridge (now the Lord Chief-justice of the Common Pleas), before the Lord Chief-justice of England, the then Lord Chief-justice of the Common Pleas (Sir William Bovill), the Lord Chief-baron, Barons Martin, Bramwell, Pigott, and Cleasby, and Justices Blackburn, Keating, Mellor, Brett, Lush, Grove, Denman, and Archibald—Mr Baron Pollock and Mr Justice Quain being unavoidably absent. In effect, it was argued before the *whole judicial bench of England*. On the 7th of June following, judgment was delivered: Lord Chief-justice Cockburn, and Justices Blackburn, Mellor, Lush, Grove, Denman, and Archibald deciding that Mr Middleton was a thief, upon one ground; Lord Chief-justice Bovill, Lord Chief-baron Kelly, and Mr Justice Keating being of the same opinion, on another ground; Mr Baron Pigott coming to the same conclusion, on a third ground; and Barons Martin, Bramwell, and Cleasby, and Mr Justice Brett, being all four clearly and emphatically of opinion on one and the same ground, that no larceny had been committed.

The case of Middleton is interesting, if only as shewing the scrupulous care with which the English law is administered, and how the ever-varying phenomena of life keep on producing combinations of circumstances that have not occurred, or at anyrate have not been observed, before, and which have to be classified with great travail of mind under some old principle, or else to be

provided for afresh. Mr George Middleton's little adventure at Notting Hill has formed the theme of the most able and elaborate judgments of some of the subtlest legal intellects of our time, extending over thirty-four pages of the law reports, and representing who shall say how much experience, thought, and labour?

The difficulty may be shortly stated. To steal is to take something which belongs to somebody else: but the post-office clerk *gave* Middleton the money in dispute, and how can a man steal that which is given to him? This may sound like a quibble; but there are noticeable differences between Middleton's proceedings and an ordinary thief's. There is no premeditation, there is no preliminary fraud or trick upon his part; he goes into the post-office with a perfectly innocent intention, and he simply takes what is given to him. He does not walk away with something that is wholly some one else's, but with something that is partly his own. Again, it must always be remembered, judges are not legislators. It is their business to administer the law, and not to make it. They are sworn to give judgment according to precedent. This being so, it having been admitted on all hands that the offence was larceny, if anything, the question was—not, ought George Middleton to be punished?—but, did George Middleton's offence against honesty fall within the established definitions of larceny? It was agreed that it was covered by no statute; therefore, if it was a crime at all, it was a crime in contemplation of the common law in the old days when stealing was a hanging matter. The question might then be put thus: in olden time, would Middleton have been hanged for what he did at Notting Hill? A majority of the judges thought he would, but a minority were very positive indeed that he would not. Mr Baron Bramwell vigorously argued, not only that Middleton was not a thief in law, but further, that he was not morally a thief. Admitting that he was a dishonest man, and that what he did ought to be made criminal, the learned baron urged with much force that his unpremeditated act in fraudulently accepting what was given him by mistake, stops short of that deliberate and forcible taking which constitutes theft, and is morally a lesser offence. But of course cases have to be decided by the judges not on principles of morality, but on principles of law, and these remarks are merely incidental to the legal argument.

Before this can be understood, we should premise that, in law, goods are subject to two incidents, property and possession. When my own watch is in my own pocket, property and possession coincide. The property in the watch is in me, and the possession of it is in me. When I lend my watch to you, the possession is in you, but the property remains in me. When I give or sell my watch to you, both the property and possession are transferred to you. Now, when property goes with possession, stealing is out of the question; for the moment the property in the article passes from the original possessor, it ceases to be his, and therefore it cannot be stolen from him. Thus, it is well-settled law, that if a man goes into a provision-shop, and, by falsely pretending he has been sent by a regular customer, obtains a fitch of bacon, which of course he does not pay for, it is not a theft; because the shopkeeper, deceived by the fraud, parts with the property in the fitch as

well as the possession of it. The man obtains the fitch by false pretences, for which he may be punished; but he does not steal it.

The argument may now be understood. Stripped of its technicalities and its allusions to previously decided cases, the judgment of the majority of the judges may be paraphrased as follows: Granted that, if the property in the eight pounds six shillings and tenpence had passed to the prisoner, his offence would not amount to larceny; as a matter of law, the property in that balance did not pass to him, and never vested in him for an instant. True, the possession of it was given to him, but that was only by mistake, and the property in it remained all the time in the Postmaster-general. The money was always some one else's; the prisoner, in taking it, took what did not belong to him, and the guilty intention having been found by the jury as a matter of fact, it is a case of larceny, and the conviction is affirmed. So far, so good; this sounds like common-sense, at all events, and we are not surprised to see attached to it the name of Lord Chief-justice Cockburn. But one side is generally right until the other side is heard; and in this case it is impossible to resist the powerful reasoning of the minority. That, say they in effect, may be common-sense, though we doubt it; but certainly it is not common law, and law is what we are sworn to administer.

The arguments of Mr Baron Bramwell, Mr Justice Brett, and Mr Baron Cleasby make tremendous breaches in the position taken up by the majority; whilst old Baron Martin—brought up in a tough old school, in the days when law *was* law—has hardly patience to argue a point against which his veteran instincts obviously revolt. The reasoning of the minority is, says he, 'unanswered and unanswerable;' and that of the majority appears to the old baron 'worthy of an ancient casuist.' Mr Baron Bramwell is not so outspoken, but is quite as solid. 'Though those whose opinion I share may be, and probably are, in the wrong,' says the polite baron, 'considering the numerous and weighty opinions the other way, there is more doubt in the case than has appeared to some who seem to me to reason thus: The prisoner was as bad as a thief (which I deny), and being as bad, ought to be treated as one (which I deny also).' Mr Justice Brett thinks that the judgment of the majority 'is founded upon and enunciates a wrong proposition of law,' and is of opinion that the prisoner 'could not be convicted according to law.' Mr Baron Cleasby thinks 'the conviction was against law, and ought to be quashed.' They are all four agreed upon the reason why, and argue irresistibly. Starting with the admitted proposition, that to constitute larceny the taking must be against the will, or at least without the will of the owner of the goods, it follows that it is the state of the owner's mind, and not the state of the alleged thief's, that is to be examined for the purpose of determining whether or not the taking was without his will. The guilty intention of the prisoner has therefore nothing to do with the question in dispute. This being cleared away, the question of unwillingness or willingness on the part of the owner is reduced to a question of the condition of the owner's mind, in other words, of his intention. If he intends the property to pass, he is clearly not unwilling that it should; and whether or not

in law it actually does, is immaterial. The question, therefore, is, say the minority, not that which has been put by the majority, namely, did the property pass? but did the clerk intend that it should pass? If he did, it was not taken from him against his will, and was not larceny. Now, did he? Acting under the mistaken impression that he was paying over the correct sum, no doubt he meant the property to pass. Of course he would not have so meant if he had known what he was doing, but as a matter of fact, he did so mean. He clearly did not mean to pay the prisoner ten shillings, because that sum had never suggested itself to his mind; so, if he did not mean to pay him eight pounds sixteen shillings and tenpence, he meant to pay him nothing; which is absurd. The payment, therefore, was a voluntary payment, and its fraudulent acceptance not a theft. Upon these grounds, the minority of the judges thought that the conviction should be quashed; but the majority being of the contrary opinion, it was affirmed. It mattered little to George Middleton what any of them thought, for he had long before served out his sentence, and been set at large.

The following anomaly has thus been added to our law. If Middleton had deliberately concocted a false tale, on the faith of which he had obtained the money, he would only have been guilty of the misdemeanour of obtaining it by false pretences; but because it was accidentally given to him, and he simply walked off with it, he is a felon. The lesser offence is, by this new decision, made the greater. To some minds, the elaborate arguments, of a small part of which the foregoing is the faintest outline, exhausted upon such a question as the guilt of Middleton, may seem to be a piece of mere technical folly; but after all, the only justice that is worth the name is that which is administered on fixed and settled principles. It would never do for judges to make law to suit particular cases; and to strain the law, even to cover obvious injustice and absurdity, is a most dangerous practice. Mr Baron Bramwell evidently thinks his learned brothers have been doing this, and we cannot conclude better than by endorsing his sly recommendation of an article in the *Law Times*, where it is intimated that some judges 'might, with advantage, read and inwardly digest Paley's *Moral and Political Philosophy*, or some other approved treatise, in which the necessity for positive rules of general application, the doctrine of particular and general consequences, and the superior importance of and regard due to general consequences, are clearly expounded.'

THE FLAG OF DISTRESS.

CHAPTER IV.—A BLACK SQUALL.

THE surprise caused by the disappearance of the strange vessel is but short-lived. It is explained by a very natural phenomenon—a fog. Not the haze already spoken of; but a dense bank of dark vapour, that, drifting over the surface of the sea, has suddenly enveloped the barque within its floating folds. It threatens to do the same with the frigate, as every sailor aboard of her can perceive. But though their surprise is at an end, a sense of undefined fear still holds possession of them. Nor is this on account of the coming fog.

That could not frighten men who have dared every danger of the deep, and oft groped their way through icy seas shrouded in almost amphibious darkness.

Their fears spring from a fancy that the other phenomena are not natural. The fog of itself may be; but what brings it on—just then, at a crisis, when they were speculating about the character of the chased vessel—some doubting her honesty, others sceptical of her reality, not a few boldly denouncing her as a phantom? If an accident of nature, certainly a remarkable one—in truth, a strange phenomenon.

The reader may smile at credulity of this kind; but not he who has mixed among the men of the fore-castle, whatever the nationality of the ship, and whether merchantman or man-of-war. Not all the training of naval schools, nor the boasted enlightenment of this our age, has fully eradicated from the mind of the canvas-clad mariner a belief in something more than he has seen, or can see—something outside nature. To suppose him emancipated from this would be to hold him of higher intelligence than his fellow-men, who stay ashore ploughing the soil, as he does the sea. To thousands of these he can point, saying: 'Behold the believers in supernatural existences—in spirit-rappings—ay, in very ghosts; this not only in days gone by, but now—now more than ever within memory of man!' Then let not landmen scoff at such fancies, not a whit more absurd than their own credulous conceits.

Aside from this sort of feeling in the war-ship, there is soon a real and far more serious apprehension, in which all have a share, officers as well as men. A fog is before their eyes—apparently fast approaching. It has curtained the other vessel, spreading over her like a pall, and threatens to do the same with their own. They perceive, also, that it is not a fog of the ordinary kind, but one that portends storm, sudden and violent. For they are threatened by the *black squall* of the Pacific. Enough in the name to cause uneasiness about the safety of their ship; though not of her are they thinking. She is a staunch vessel, and can stand the sea's buffetings. Their anxiety is for their absent shipmates, whose peril all comprehend. They know the danger of the two vessels getting separated in a fog. If they do, what will be the fate of those who have staid behind on the barque? The strange craft has been signalling distress. Is it scarcity of provisions, or the want of water? If so, in either case she will be worse off than ever. It cannot be shortness of hands to work her sails, with these all set! Sickness, then? Some scourge afflicting her crew—cholera or yellow fever? This made probable, by the lieutenant sending back for the doctor—and the doctor only.

Conjecturing ends, and suddenly. The time for action has arrived. The dark cloud comes driving on, and is soon around the ship, lapping her in its damp murky embrace. It clings to her bulwarks, pours over her canvas still spread, wetting it till

big drops rain down upon the deck. It is no longer a question of the surgeon starting forth on his errand of humanity, nor the cutter returning to the becalmed barque. Now there is no more chance of discovering the latter, than of finding a needle in a truss of straw. In such a fog, the finest ship that ever sailed sea, with the smartest crew that ever manned vessel, would be helpless as a man groping his way in Cimmerian darkness. There is no more thought of the barque, and not so much about the absent officers. Out of sight, they are for a time almost out of mind. For on board the frigate every one has now enough to do looking after himself and his duties. Almost on the instant of her sails being enveloped in vapour, they are struck by a wind coming from a quarter directly opposite to that for which they have been hitherto set.

The voice of her commander, heard thundering through a trumpet, directs canvas to be instantly taken in. The order is executed with the promptness peculiar to men-of-war's men; and soon after, the huge ship is tossing amid tempestuous waves, with only storm-sails set. A ship under storm-canvas is a sight always melancholy to the mariner. It tells of a struggle with winds and waves, a serious conflict with the elements, which may well cause anxiety.

Such is the situation of the British frigate, soon as surrounded by the fog. The sea, lately tranquil, is now madly raging; the waves tempest-lashed, their crests like the manes of white horses in headlong gallop. Amid them the huge war-vessel, but a while before almost motionless, a leviathan, apparently the sea's lord, is now its slave, and soon may be its victim. Dancing like a cork, she is buffeted from billow to billow, or thrown into the troughs between, as if cast there in scorn. Her crew is fully occupied taking care of her, without thought of any other vessel—even one flying a flag of distress. Erelong they may have to hoist the same signal themselves. But there are skilled seamen aboard, who well know what to do—who watch and ward every sea that comes sweeping along. Some of these tumble the big ship about till the steersmen feel her going almost regardless of the rudder.

There are but two courses left for safety, and her captain weighs the choice between them. He must 'lie to,' and ride out the gale, or 'scud' before it. To do the latter might take him away from the strange vessel—now no longer seen—and she might never be sighted by them again. Ten chances to one if she ever would, for *she* may not elect to run down the wind. Even if she did, there would be but slight hope of overhauling her, supposing the storm to continue for any considerable time. The probabilities are that she will lie to. As the frigate's lieutenant will no doubt have control, he will order her sails to be taken in; he would scarce think of parting from that spot.

Thus reflecting, the captain determines to stay

where he is. Everything has been made snug, and the ship's head set close to wind.

Still, aboard of her, brave hearts are filled with sad forebodings; not from any fear for themselves, but the safety of their shipmates in the barque. Both of the absent officers are favourites with their comrades of the quarter, as with the crew. So too the coxswain who accompanies them. What will be their fate? All are thinking of it, though no one offers a surmise. No one can tell to what they have committed themselves. 'Tis only sure, that in the tempest now raging there must be danger to the strange craft, without counting that signalised by her reversed ensign—without thought of the mystery already enwrapping her. The heart of every man on board the war-ship is beating with humanity, and pulsing with pent-up fear. And while the waves are fiercely assaulting the strong ship—while winds are rattling loud amidst her rigging—a yet louder sound mingles with their monotone. It is given out at regularly measured intervals: for it is the *minute-gun* which the frigate has commenced firing—not as a signal of distress, asking for assistance, but one of counsel and cheer, seeking to give it. Every sixty seconds, amidst the wild surging of waves, and the hoarse howling of winds, the louder boom of cannon breaks their harsh continuity.

The night comes down, adding to the darkness, though not much to the dilemma in which the frigate is placed. The fog and storm combined have already made her situation dangerous as might be; it could not well be worse. Both continue throughout the night; and on through all the night she keeps discharging the signal-guns. No one aboard of her thinks of listening for a response. In all probability, there is no cannon—nothing upon the barque that could give it. Close upon the hour of morning, the storm begins to abate, and the clouds to dissipate. The fog seems to be lifting, or drifting off to some other part of the ocean. With hope again dawning comes the dawn of day. The crew of the frigate—every man of them, officers and tars—are upon deck. They stand along the ship's sides, ranged in rows by the bulwarks, looking out across the sea.

There is no fog now—not the thinnest film. The sky is clear as crystal, and blue as a boat-race ribbon fresh unfolded; the sea the same—its big waves no longer shewing sharp white crests, but rounded and rolling gently along. Over these the sailors look, scanning the surface. Their gaze is sent to every quarter—every point of the compass. The officers sweep the horizon with their glasses, ranging around the circle where the two blues meet. But neither naked eye nor telescope can discover aught there. Only sea and sky; an albatross with pinions of grander spread; or a tropic bird, its long tail-feathers trailing, train-like, behind it. No barque, polacca-rigged or otherwise—no ship of any kind—no sign of sail—no canvas except a full set of 'courses' which the frigate herself has now set. She is alone upon the ocean—in the mighty Pacific—a mere speck upon its far-stretching illimitable expanse. Every man aboard of her feels this, and feels it with a sense of sadness. But they are silent, each inquiring of himself what has become of the barque, and what has been the fate of their shipmates.

One alone is heard speaking aloud, giving

expression to a thought now common to all. It is the sailor who twice uttered the prediction, which he again repeats—only changing it to the assertion of a certainty. With a group gathered around him, he says: 'Shipmates; we'll never see that lieutenant again, nor the young reefer, nor the old cox'n—never!'

CHAPTER V.—A BRACE OF BRITISH OFFICERS.

Scene, San Francisco, the capital of California. Time, the autumn of 1849; several weeks antecedent to the chase described.

A singular city the San Francisco of 1849; very different from what it is to-day, and equally unlike what it was twelve months before the aforesaid date; when the obscure village of Yerba Buena yielded up its name, along with its site, entering on what may be termed a second genesis.

The little village, port of the Mission Dolores, built of sun-dried bricks—its petty commerce in hides and tallow represented by two or three small craft annually visiting it—wakes up one morning to behold whole fleets of ships come crowding through the Golden Gate, and dropping their anchor in front of its wharfed strand. They come from all parts of the Pacific, from all the other oceans, from the ends of the earth, carrying every kind of flag known to the nations. The whaleman, late harpooning 'fish' in the Arctic, with him who has been chasing 'cachalot' in the Pacific and Indian; the merchantman standing towards Australia, China, or Japan; the trader among the South Sea Islands; the coaster of Mexico, Chili, and Peru; men-o'-war of every flag and fashion—frigates, corvettes, and double-deckers; even Chinese junks and Malayan prahus—are seen sailing into San Francisco Bay, and coming to beside the beach of Yerba Buena.

What has caused this grand spreading of canvas, and commingling of queer craft? What is still causing it, for still they come? The answer lies in a little word of four letters; the same that from the beginning of man's activity on earth has moved him to many things, too oft to deeds of evil—*gold*. Some eighteen months before, the Swiss *émigré* Sutter, scouring out his mill-race on a tributary of the Sacramento River, observes shining particles among the mud. Taking them up, and holding them in the hollow of his hand, he feels that they are heavy, and sees them to be of golden sheen. And gold they prove, when submitted to the test of the alembic. The son of Helvetia discovers the precious metal in grains and nuggets, interspersed with the silt of a fluvial deposit. They are not the first found in California, but the first coming under the eyes of Saxon settlers—men imbued with the energy to collect and carry them to the far-off outside world.

Less than two years have elapsed since the digging of Sutter's mill-race. Meantime, the specks that scintillated in its ooze have been transported over the ocean, and exhibited in the great cities—in the windows of brokers and bullion-merchants. The sight has proved sufficient to thickly people the banks of the Sacramento—hitherto sparsely settled—and cover San Francisco Bay with ships from every quarter of the globe. Not only is the harbour of Yerba Buena crowded with strange craft, but its streets with queer characters—adventurers of every race and clime—among whom may

be heard an exchange of tongues, the like never listened to since the abortive attempt at building the tower of Babel. The Mexican mud-walled dwellings disappear; swallowed up and lost amidst the modern surrounding of canvas tents, and weather-board houses, that have risen as by magic around them. A like change has taken place in their occupancy. No longer the tranquil interiors—the *tertulia*, with guests sipping aniseed, curaçoa, and Canario—munching sweet cakes and *confituras*. Instead, the houses inside now ring with boisterous revelry, smelling of mint and Monongahela; and, though the guitar still tinkles, it is almost inaudible amid the louder strains of clarinet, fiddle, and trombone.

What a change in the traffic of the streets! No more silent at certain hours deserted for the *siesta*; at others, trodden by sandalled monks and shovel-hatted priests—both bold of gaze, when passing the dark-eyed damsels in high shell-combs and black silk mantillas; bolder still, saluting the brown-skinned daughter of the aboriginal wrapped in her blue-gray *rebozo*. Trodden, too, by garrison soldiers in uniforms of French cut and colour; by officer glittering in gold lace; by townsman in cloak of broadcloth; the country gentleman (*haciendado*) on horseback; and the herdsmen, or small farmers (*rancheros*), in their splendid Californian costume. Some of these are still seen, but not as of yore, swaggering and conspicuous. Amid the concourse of new-comers they move timidly; jostled by rough men in red flannel shirts, buckskin and blanket coats, with pistols in their belts, and knives hanging handy along their hips. Others equally formidable in Guernsey frocks, or wearing the dreadnought jacket of the sailor; not a few scarcely clothed at all, shrouding their nakedness in such rags as remain after a long journey overland, or a longer voyage by sea. In all probability, since its beginning, the world never witnessed so motley an assemblage of men tramping through the streets of a seaport town as those seen in Yerba Buena, just baptised San Francisco, 1849 A.D. And perhaps never a more varied display of bunting in one bay.

In all certainty, harbour never had so large a number of ships with so few men to man them. At least one-half are crewless, and a large proportion of the remainder nearly so. Many have but their captain and mates, with, it may be, the carpenter and cook. The sailors are ashore, and but few of them intend returning aboard. They have either gone off to the gold-diggings, or are going. There has been a general *débandade* among the Jack-tars—leaving many a merry fore-castle in forlorn and silent solitude.

In this respect, there is a striking contrast between the streets of the town and the ships in its harbour. In the former, an eager throng, pushing, jostling, surging noisily along, with all the impatience of men half-mad; in the latter, tranquillity, inaction, the torpor of lazy life, as if the ships—many of them splendid craft—were but hulks laid up for good, and never again going to sea. Some never did. Yet not all the vessels in San Francisco Bay are crewless. A few still have their complement of hands—these being mostly men-of-war. The strict naval discipline prevents desertion, though it needs strategy to assist. They ride at anchor far out beyond swimming distance from the beach, and will not allow shore-boats to

approach them. The tar who attempts to take French leave, will have a severe swim for it; and perchance get a shot which will send him to the bottom of the sea. With this menace constantly before his mind, even California's gold does not tempt him to run the gantlet.

Among the craft keeping 'up this iron discipline is one that bears the British flag—a man-of-war, conspicuous by her handsome hull and clean tapering spars. Her sails are stowed snug, lashed neatly along the yards; in her rigging not a rope out of place. Down upon her decks, white as holystone can make them, the same regularity is observable. Every rope is coiled or trimly turned upon its belaying-pin. It could not be otherwise with the frigate *Crusader*, commanded by Captain Bracebridge, a sailor of the old school, who takes a pride in his ship. He still retains his crew—every one of them. There is not a name on the frigate's books but has its representative in a live sailor, who can either be seen upon her decks, or at any moment summoned thither by the whistle of the boatswain. Though even if left to themselves, but few of them would care to desert; gold itself cannot lure them to leave a ship where things are so agreeable; for Captain Bracebridge does all in his power to make matters pleasant, for men as well as officers. He takes care that the former get good grub, and plenty of it, including full rations of grog. He permits them to have amusements among themselves; while the officers treat them to *tableaux-vivants*, charades, and private theatricals. To crown all, a grand ball has been given aboard the ship, in anticipation of her departure from the port—an event near at hand. This, in return for an entertainment of like kind, given by some citizens in honour of her officers; at which more than one of the latter made acquaintances they would wish to meet again—two of them desiring it with longings of a special kind. In other words, two of the frigate's officers have fallen in love with a brace of shore damsels, with whom they have danced, and done some flirting.

It is the third day after the ball, and these two officers are standing upon the poop-deck, conversing about it. They are apart from their comrades—purposely, since their speech is confidential. They are both young men; the elder of them, Crozier, being a year or two over twenty; while the younger, Cadwallader, is almost as much under it. Crozier has passed his term of probationary service, and is now a 'mate;' while the other is still a 'midshipmite.' And a type of this last, just as Marryat would have made him, is Willie Cadwallader; bright face, light-coloured hair, curling over cheeks ruddy as the bloom upon a ripe peach. He is Welsh, with those eyes of turquoise blue often observed in the descendants of the Cymri; and hair of a hue seen nowhere else—threads of gold commingled with tissue of silver.

Quite different is Edward Crozier, who hails from an ancestral hall standing in the shire of Salop. His hair, also curling, is dark brown. His complexion corresponding, and a pair of moustaches, already well grown, lie like leeches along his lip, the tips turned upward. An aquiline nose and broad jaw-blades denote resolution—a character borne out by the glance of an eye that never shews quailing. He is of medium size, with a figure denoting great strength, and capable of

carrying out any resolve his mind may make; the shoulders square-set, breast well bowed out, the arms and limbs in perfect proportion. In point of personal appearance, he is the superior; though both are handsome fellows, each in his own style. And as the styles are different, so are their dispositions—these rather contrasting. Crozier is of a serious, sedate turn; and, though anything but morose, rarely given to mirth. From the face of Cadwallader the laugh is scarcely ever absent, and the dimple on his cheek—to employ a printer's phrase—appears stereotyped. With the young Welshman a joke might be carried to extremes, but he would only seek his *revanche* by a lark of like kind. With him of Salop, practical jesting would be dangerous, and might end in stern resentment—perhaps in a duel. Notwithstanding this difference of disposition, the two are fast friends; a fact perhaps due to the dissimilitude of their natures. When not separated by their respective duties, they keep together aboard ship, and together go ashore; and now, for the first time in the lives of both, have commenced making love together. Fortune has favoured them in this: that they are not in love with the same lady. Still further, that their sweethearts do not dwell apart, but live under one roof, and belong to one family. They are not sisters, for all that; nor yet cousins, though standing in a certain relationship. One is the aunt of the other. Such kinship might augur inequality in their age. There is none, however, or only a very little. Not so much as between the young officers themselves. The aunt is but a year, or so, the senior of her niece. And as Fate has willed, the lots of the lovers have been cast in the proper symmetry and proportion. Crozier is in love with the former—Cadwallader with the latter.

Their sweethearts are both Spanish, of the purest blood, the boasted *sangre azul*. They are respectively daughter and grand-daughter of Don Gregorio Montijo, whose house can be seen from the ship: a mansion of imposing appearance, in the Mexican *hacienda* style, standing upon the summit of a hill, at some distance inshore, and southward from the town. While conversing, the young officers have their eyes upon it—one of the two assisting his vision with a binocular. It is Cadwallader who uses the instrument.

Holding it to his eye, he says: 'I think I can see them, Ned. At all events, there are two heads on the house-top, just shewing over the parapet. I'll take odds it's them, the dear girls. I wonder if they see us?'

'Not unless, like yourself, they are provided with telescopes.'

'By Jove! I believe they've got them. I see something that glances in the hands of one; my Inez, I'll warrant.'

'More likely it's my Carmen. Give me the glass. For all those blue eyes you're so proud of, I can sight a sail farther than you.'

'A sail, yes; but not a pretty face, Ned. No, no; you're blind to beauty, else you'd never have taken on to that old aunt, leaving the niece to me. Ha, ha, ha!'

'Old, indeed! She's as young as yours, if not younger. One tress of her bright amber hair is worth a whole head of your sweetheart's black stuff. Look at this!' Crozier draws out a lock of hair, and unfolding, shakes it tauntingly before

the other's eyes. In the sun it gleams golden, with a radiance of red; for it is amber, as he has styled it.

'Look at this!' cries Cadwallader, also exhibiting a tress. 'You thought nobody but yourself could show love-locks. There's a bit of hair, that to yours, is as costly silk alongside cheap common cotton.'

For an instant each stands caressing his particular tress, then both burst into laughter, as they stow away their separate favours.

Crozier, in turn taking the binocular, directs it on the house of Don Gregorio; after a time saying: 'About one thing you're right, Will: those heads are the same from which we've got our love-locks. Ay, and they're looking this way, through glasses. They'll be expecting us soon. Well; we'll be with them, please God, before many minutes. Then, you'll see how much superior bright amber is to dull black—anywhere in the world, but especially in the light of a Californian sun.'

'Nowhere, under either sun or moon. Give me the girl with the raven hair!'

'For me, her with the golden bronze!'

'Well; *cada uno a su gusto* [every one to his liking], as my sweetheart has taught me to say in her soft Andalusian. But now, Ned; talking seriously, do you think the governor will allow us to go ashore?'

'He must, and I know he will.'

'How do you know it?'

'Bah! *ma bohil*, as our Irish second would say. You're the son of a poor Welsh squire—good blood, I admit. But I chance to be heir to twice ten thousand a year, with an uncle in the Admiralty. I have asked leave for both of us. So, don't be uneasy about our getting it. Captain Bracebridge is no snob; but he knows his own interests, and won't refuse our fair request. See! There he is—coming this way. Now for his answer—affirmative, you may rely upon it.'

'Gentlemen,' says the captain, approaching, 'I give you leave to go ashore for the day. The gig will take you, landing wherever you wish. You are to send the boat back, and give the coxswain orders where, and when, he's to await you on your return to the ship. Take my advice, and abstain from drink, which might get you into difficulties. As you know, just now San Francisco is full of all sorts of queer characters—a very Pandemonium of a place. For the sake of the service, and the honour of the uniform you wear, steer clear of scrapes—and above all, give a wide berth to women.'

After thus delivering himself, the captain turns on his heel, and retires—leaving the young officers to their meditations. They do not meditate long; the desired leave has been granted, and the order given for the gig to be got ready. The boat is in the water, her crew swarming over the side, and seating themselves upon the thwarts. The young officers only stay to give a finishing touch to their toilet, preparatory to appearing before eyes, of whose critical glances both have more fear than they would the fire from a broadside of great guns. This arranged, they drop down the man-ropes, and seat themselves in the stern-sheets; Crozier commanding the men to shove off. Soon the frigate's gig is gliding over the tranquil waters of San Francisco Bay; not in the direction of the landing-wharf, but towards a point on the shore, to the south of, and some distance outside

the suburbs of the city. For, the beacon towards which they steer is the house of Don Gregorio Montijo.

CHAPTER VI.—A PAIR OF SPANISH SEÑORITAS.

Don Gregorio Montijo is a Spaniard, who, some ten years previous to the time of which we write, found his way into the republic of Mexico; afterwards moving on to 'Alta California.' Settling by San Francisco Bay, he became a stock-farmer—the industry in those days chiefly followed by Californians. His grazing estate gives proof that he has prospered. Its territory extends several miles along the bay, and several leagues backward, its boundary in this direction being the shore of the South Sea itself; while a thousand head of horses, and ten times the number of horned cattle, roam over its rich pastures. His house stands upon the summit of a hill that rises above the bay—a sort of spur projected from higher ground behind, and trending at right angles to the beach, where it declines into a low-lying sand-spit. Across this runs the shore road, southward from the city to San José, cutting the ridge midway between the walls of the house and the water's edge, at some three hundred yards' distance from each.

The dwelling, a massive quadrangular structure—in that semi-moriscan style of architecture imported into New Spain by the Conquistadores—is but a single story in height, having a flat terraced roof, and an inner court, approached through a grand gate entrance, centrally set in the front façade, with a double-winged door wide enough to admit the chariot of Sir Charles Grandison.

Around a Californian country-house there is rarely much in the way of ornamental grounds—even though it be a *hacienda* of the first class. And when the headquarters of a grazing estate, still less; its inclosures consisting chiefly of 'corrals' for the penning and branding of cattle, usually erected in the rear of the dwelling. To this almost universal nakedness the grounds of Don Gregorio offer some exception. He has added a fence, which, separating them from the high-road, is penetrated by a portalled entrance, with an avenue that leads straight up to the house. This, strewn with snow-white sea-shells, is flanked on each side by a row of *manzanita* bushes—a beautiful indigenous evergreen. Here and there, a clump of California bays, and some scattered peach-trees, shew an attempt, however slight, at landscape gardening.

Taking into account the grandeur of his house, and the broad acres attached to it, one may well say, that in the New World Don Gregorio has done well. And, in truth, so has he—thriven to fullness. But he came not empty from the Old; having brought with him sufficient cash to purchase a large tract of land, as also the horses and horned cattle with which to stock it. No needy adventurer he, but a gentleman by birth; one of Biscay's bluest blood—hidalgos since the days of the Cid.

In addition to his ready-money, he also brought with him a wife—Biscayan as himself—and a daughter, who at the time was but a child. His wife has been long ago buried; a tombstone in the cemetery of the old Dolores Mission commemorating her many virtues. Since, he has had an accession to his contracted family circle; the added member being a grand-daughter, only a year younger than

his daughter, but equally well grown—both having reached the ripest age of girlhood. It is not necessary to say that these young ladies, thus standing in the relationship of aunt and niece, are the two with whom Edward Crozier and Willie Cadwallader have respectively fallen in love.

While these young officers are on the way to pay them the promised visit, a word may be said about their personal appearance. Though so closely allied, and nearly of an age, in other respects the two girls differ so widely, that one unacquainted with the fact would not suspect the slightest kinship between them.

The aunt, Doña Carmen, is of pure Biscayan blood, both by her father's and mother's side. From this she derives her blonde complexion, with that colour of hair so pleasing to the sight of Edward Crozier; with blue-gray eyes, known as 'Irish'—the Basques and Celts being a kindred race. From it, also, she inherits a cheerful smiling countenance, with just enough of roguery in the smile to cause a *souffron* of coquettishness. Her Biscayan origin has endowed her with a figure of fine full development, withal in perfect feminine proportion; while her mother has transmitted to her what, in an eminent degree, she herself possessed—facial beauty.

In the daughter its quality has not deteriorated, but perhaps improved. For the benignant clime of California has this effect; the soft breezes of the South Sea fanning as fair cheeks as were ever kissed by Tuscan or Levantine wind. It is not necessary to describe Doña Carmen Montijo in detail. A chapter might be devoted to her many charms, and still not do them justice. Enough to say that they are beyond cavil; and that there are men in San Francisco who would dare death for her sake, if sure of a smile from her to shew approval of the deed. Ay, one who would for as much do murder. And in that same city is one who would do the same for her niece—Inez Alvarez; though she has neither a blonde complexion, blue eyes, nor amber-coloured hair. In all three different; the first being *morena*, or brunette; the second, black as jet; the last, as raven's plumes. But she has also beauty, of the type immortalised by many bards—Byron among the number, when he wrote his rhapsody on the 'Girl of Cadiz.'

Inez is herself a girl of Cadiz, of which city her father was a native. The Condé Alvarez, an officer in the Spanish army, serving with his regiment in Biscay, there saw a face that charmed him. It belonged to the daughter of Don Gregorio Montijo—his eldest and first-born, some eighteen years antecedent to the birth of Carmen, his last. The count wooed the Biscayan lady; won, and bore her away to his home in Andalusia. Both he and she have gone to their long account, leaving their only child, Inez, inheritress of a handsome estate. From her father, in whose veins ran Moorish blood, she inherits her jet-black eyes, having lashes nearly half an inch in length, and above them, brows shaped like the moon in the middle of her first quarter. Though in figure more slender than her aunt, she is quite Carmen's equal in height; and in this may yet excel, since she has not yet attained her full stature. The death of her parents accounts for her being in California; whither she has come to be under the protection of the father of her mother. She has been there but a

short time; and although all the while 'lovers have been sighing around her,' she longs to return to her own Andalusia.

As already said, Don Gregorio's dwelling is flat-roofed, its top, in Spano-Mexican phrase, termed the *azotea*. This surrounded by a parapet breast-high, is beset with plants and flowers in boxes and pots, thus forming a sort of aerial garden, reached by a stone stair—the *escalera*—which leads up out of the inner court, called *patio*. During certain hours of the day, the *azotea* is a favourite resort, being a pleasant place of dalliance, as also the finest for observation—commanding, as it does, a view of the country at back, and the broad bay in front. To look upon the last have the two 'señoritas,' on this same morning, ascended—soon after breakfast, in all parts of Spanish America partaken at the somewhat late hour of 11 A.M.

That they do not intend staying there long, is evident from the character of their dresses. Both are costumed and equipped for the saddle; having hats of vicuña wool on their heads, riding-whips in their hands, and spurs on their heels; while in the courtyard below stand four horses, saddled and bridled, champing their bits, and impatiently striking the pavement with their hoofs. Since all the saddles are such as should be ridden by men, it may be supposed only men are to be mounted, and that the ladies' horses have not yet been brought out of the stable. This would naturally be the conjecture of a stranger to Spanish California. But one *au fait* to its fashions would draw his deductions differently. Looking at the spurred damsels upon the house-top, and the saddled horses below, he would conclude that at least two of the latter were intended to be ridden by the former; in that style of equitation with which the famed Duchesse de Berri was accustomed to astonish the people of Paris. The other two horses, having larger and somewhat coarser saddles, are evidently designed for gentlemen; so that the cavalcade will be symmetrically composed—two and two of each sex. The gentlemen have not yet put in an appearance; but who they are may be learnt by listening to the dialogue passing between the two señoritas. From their elevated position they can see the rapidly growing city of San Francisco, and the shipping in its harbour. This is north-east, and a little to their left. But there are several vessels riding at anchor just out in front of them. One, a war-ship, towards which the eyes of both keep continuously turning, as though in expectation to see a boat put off from her side. As yet none such has been seen; and, withdrawing her gaze from the war-ship, Inez opens the conversation by asking her aunt a question: 'Is it really true that we're going back to Spain?'

'Quite true; and I'm sorry for it.'

'Why should you be sorry?'

'Why! There are many reasons.'

'Give one!' challenges the niece.

'I could give twenty.'

'One will be sufficient—if good.'

'They're all good,' gravely rejoins the aunt.

'Let me hear them, then.'

'First of all, I like California—I love it, its fine climate, and bright blue skies.'

'Not a bit brighter, or bluer, than those of Spain.'

'Ten times brighter, and ten times bluer. The

skies of the Old World are to those of the New as lead to *lapis lazuli*. In that respect, neither Spain nor Italy can compare with California. Its seas, too, are superior. Even the boasted Bay of Naples would be but a little lake alongside this noble sheet of water, far stretching before our eyes. Look at it !'

'Looking at it through *your* eyes, I might think so—not through mine. For my part, I see nothing in it to be so much admired.'

'But something on it ; for instance, that grand ship out yonder. Come, now, confess the truth ! Isn't that something to admire ?'

'But that does not belong to the Bay,' replies the Andalusian.

'No matter ; it's on it now, and in it—the ship, I mean, somebody who, if I mistake not, has very much interested somebody else—a certain Andalusian damsel, by name *Iñez Alvarez*.'

'Your words will answer as well for a Biscayan damsel, by name *Carmen Montijo*.'

'Suppose I admit it, and say yes ? Well ; I will. There is one in yonder ship who has very much interested me. Nay, more ; I admire, ay, love him ! You see I'm not ashamed to confess what the world seems to consider a woman's weakness. We Biscayans don't keep secrets as you Andalusians. For all, *sobrina*, you haven't kept yours, though you tried hard enough. I saw from the first you were smitten with that young English officer who has hair the exact colour of a fox squirrel.'

'It isn't anything of the kind. His hair is a thousand times of a prettier hue than that of the other English officer, who's taken your fancy, *tia*.'

'Nothing to compare with it. Look at this. There's a curl, one of the handsomest that ever grew on the head of man ! Dark and glossy, like the coat of a fur-seal. Beautiful ! I could kiss it over and over again !'

While speaking, she does so.

'And look at this !' cries the other, also drawing forth a lock of hair, and displaying it in the sunlight. 'See how it shines—like tissue of gold ! Far prettier than that you've got, and better worth kissing.'

Saying which she imitates the example her aunt has set her, by raising the tress to her lips, and repeatedly kissing it.

'So, so, my innocent !' exclaims *Carmen*, 'you've been stealing too ?'

'As yourself.'

'And I suppose you've given him a love-lock in exchange ?'

'Have you ?'

'I have. To you, *Iñez*, I make no secret of it. Come, now ! Be equally candid with me. Have you done so ?'

'I've done the same as yourself.'

'And has your heart gone with the gift ? Tell the truth, *sobrina*.'

'Ask your own, *tia* ; and take its answer for mine.'

'Enough, then ; we understand each other, and shall keep the secret to ourselves. Now, let's talk of other things ; go back to what we began with—about leaving California. You're glad we're going ?'

'Indeed, yes. And I wonder you're not the same. Dear old Spain, the finest country on earth ; and Cadiz the finest city.'

'Well ; *cada uno a su gusto* [every one to his liking]. But about that we two differ. Give me California for a country, and San Francisco for a home ; though it's not much of a city yet. It will be, ere long ; and I should like to stay in it. But that's not to be, and there's an end of it. Father has determined on leaving. Indeed, he has already sold out ; so that this house and the lands around it are no longer ours. As the lawyers have made out the deed of transfer, and the money has been paid down, we're only here on sufferance, and must soon yield possession. Then, we're to take ship for Panama, go across the Isthmus, and over the Atlantic Ocean ; once more to renew the Old-world life, with all its stupid ceremonies. Oh ! I shall sadly miss the free wild ways of California—its rural sports—with their quaint originality and picturesqueness. I'm sure I shall die of *ennui*, soon after reaching Spain. Your Cadiz will kill me.'

'But, *Carmen* ; surely you can't be happy here—now that everything is so changed ? Why, we can scarcely walk out in safety, or take a promenade through the streets of the town, crowded with those rude fellows in red shirts, who've come to search for gold—Anglo-Saxons, as they call themselves.'

'What ? You speaking against Anglo-Saxons ! And with that tress treasured in your bosom—so close to your heart !'

'Oh ! he is different. He's not Saxon, but Celtic, the same as you Biscayans. Besides, he isn't to be ranked with that rabble, even though he were of the same race. The Señor Cadwallader is a born *hidalgo*.'

'Admitting him to be, I think you do wrong to these red-shirted gentry, in calling them a rabble. Rough as is their exterior, they have gentle hearts under their coarse homespun coats. Many of them are true bred and born gentlemen ; and, what's better, behave as such. I've never received insult from them—not even disrespect, though I've been beside them scores of times. Father wrongs them too : for it is partly their presence here that's causing him to leave California, as so also many others of our old families. Still, as we reside in the country, at a safe distance from town, we might enjoy immunity from meeting *los barbaros*, as our people are pleased contemptuously to style them. For my part, I love dear old California, and will greatly regret leaving it. Only to think ; I shall never more behold the gallant *vagueros*, mounted on his magnificent steed, careering across the plain, and launching his lazo over the horns of a fierce wild bull, ready to gore him if he but miss his aim. Ah ! it's one of the finest sights in the world—so exciting in this dull, prosaic age. It recalls the heroic days and deeds of the Great Condé, the Campeador, and Cid. Yes, *Iñez* ; only in this modern Transatlantic land—out here, on the shores of the South Sea—do there still exist customs and manners to remind one of the old knight-errantry and times of the troubadours.'

'What an enthusiast you are ! But apropos of your knights-errant, yonder are two of them—if I mistake not, making this way. Now, fancy yourself on the donjon of an ancient Moorish castle, salute, and receive them accordingly. Ha, ha, ha !'

The clear ringing laugh of the Andalusian is not echoed by the Biscayan. Instead, a shadow steals

over her face, as her eyes become fixed upon two figures distinguishable as men on horseback.

'True types of your Californian *chivalry*!' adds Inez ironically.

'True types of Californian *villainy*!' rejoins Carmen, in earnest.

SUMMER BY THE NORMAN SEA-SIDE.

THE Norman sea-side is perhaps the most delightful in all France; and it is the easiest of access from England; yet many a summer day may be passed among its fishing hamlets, and even its watering-places, without sight of any except a few strangers, who prefer the by-ways to the highways of pleasure. Others there are—no doubt constituting the vast majority—who swarm every season to the sands and baths of Havre, where French and English alike enjoy the bustle and breeze of the jetty, the gaieties of Frascati, and the lounge along the bay, which curves gracefully as far as Saint-Adresse; and some even push their rambles as far as that charming village, on a pilgrimage to the tomb of Talma's daughter, the hermitage of Alphonse Karr, and the ruins of the bandit 'Blackskin's' castle, now surrounded by an innocent farmyard. Of these, a proportion advance still farther—to Cape de la Heve, with its two lighthouses, its terrible cliffs, and its Shrine of the Royal Shoe, where the water, apostrophised by Georges Sand, is supposed to be deeper than at any other point of the coast. In other directions, a sprinkling of visitors is attracted to Leure, by the beauty of its flowers and the abundance of its seaweed.

You may spend long afternoons in succession in or about Harfleur, once 'the sovereign port of Normandy,' and see none but the inhabitants: no ships are at anchor there; only a few fishing-boats lie moored to the green and slimy piles; the streets of 'the Norman Carthage' are nearly deserted; the bells in the tower, that formerly sounded a hundred and one strokes every morning, in honour of the town, are silent; the old bridge is rotting into the blackened water; all is lifeless and decaying. It is very much the same with Honfleur, though this is still, in these midsummer days, a place of Norman resort, notwithstanding its muddy beach, washed by yellow waves, for the sake of the wonderful picture of land and water, painted in all colours, below its wood-crested rocks. This is the Normandy of Normandy. A town more medieval and melancholy of aspect I have never seen. Not so 'Little Orcher,' with its orchards of apples, yielding sweet cider, or 'royal sirup of apples, antidote against low spirits;' but the cultivators are not of that opinion; they anathematise the beverage, and deplore their vineyards, ruined long ago by a tax, as do most of the Norman race, who grow no grapes now. Among the pleasant paths of Orcher, it is quite easy to wander away a few pastoral hours. We may mention Fecamp, with the remains of its royal abbey, famous for its 'Water of Monks and Monarchs,' distilled by the

Fathers in secret; and Trouville, 'the Norman oasis,' which the elder Dumas claimed to have discovered. At summer-tide, when three or four thousand strangers, chiefly from Paris and the populous cities on the banks of the Seine, are congregated at Etretat, in the great gap between the cliffs, the French sea-side appears in perfect character. There is no comparing it with Calais, Boulogne, Dieppe, or any other of the every-day haunts which people mistake for France. Here are two states of society, the most opposite that can be conceived, yet existing together, though the one is in its youth, the other in its decrepitude. They stand utterly apart—the fishing and the fashionable, the denizens and the visitors. The abodes of the fishermen, their haunts, all belongings of theirs, are different; for there has not been time for the new to obliterate the old.

A few years since, Etretat was nothing more than a scattered hamlet, inhabited by fishermen, of a character precisely identical with that of the great fishing-race spread along the shores of France from Calais to Bayonne, from Marseille to Perpignan. There is not much difference between the class of men who harpoon the tunny in the waters of Toulon, the Normans who provision the markets of Paris, or the Bretons who preserve the sardine shoals for the salters and packers of La Guerande. Enter their cabins; there is a family likeness between them all—the same rude interiors, hung with nets—half-buried in sand, or perched, like nests, on the peaks of rocks; the same muscular type of men, with nervous limbs, bronzed complexions, active, laborious, and sober, and spending half their lives in their boats; the same robust class of women, watching fish-traps, mending nets, preparing the 'catches' for sale, collecting oysters, muscles, and cockles, carrying burdens, cooking, and each, in some way, a schoolmistress of the household. This is the fisherman, and the fisherman's life, no matter whether at Perpignan or at Etretat, where it is found, unchanged from immemorial time, on the sea and on the land, but especially in the clustered cottages that look like a part of the scenery, and which, in contrast with the fresh manners that are taking possession of the valley, remind you of a work by an old Dutch master hung side by side with one by the youngest favourite of the Royal Academy. The dwellers in the hamlets have an inherited affection for their abject abodes; they have not yet been transformed into Brighton or Ramsgate boatmen; they keep, for the most part, to their flinty share of the beach, which the holiday-makers rarely approach; go up to the altar of 'Our Lady of Safety'—a chapel which they themselves built, at a great elevation, passing the stones from the valley to the height, hand-over-hand, like buckets at a fire; cultivate their ungrateful gardens, and accept with gladness the small profits of their precarious industry.

I do not see how the condition of this class has been at all improved by the periodical influx of money-spending strangers. In spite of all, however, they seem content with their rude homes, of a gleaming white or brilliant crimson, often picturesquely ensconced in the richly tinted recesses of the rock, far up above the sea, and modestly overlooking it. Yet will this be for long? How long did it take Trouville to change from a group of cabins planted round a chapel into a town of thirty streets, with twenty thousand visitors each

summer, a casino, a carriage promenade, and the fashion of wearing five different dresses every day? The transformation is going on rapidly enough at Etretat. The way over the cliffs, along the well-made road, among handsome groups of trees, leads to the Etretat of the future; fantastic country-houses, which suggest the idea of having been just unpacked, after having been brought down, ready-made, from St Germain, or over from Biarritz; there are gay shops; there is an hotel; the sands have their loungers; pleasure-skiffs are putting out upon excursions to the giants of the water that so grotesquely adorn the sea-approach, or to the marine grottoes, the Maidens' Hall in particular, whence the ghosts of three young girls, headed up in a barrel once upon a time, and flung among the billows, by a cruel baron, emerge every night, in long pale robes, to revisit the ruins of that which was once their castle. All is bright and fluttering enough, these summer noons.

Three bells hang in the tower of 'Our Lady's Kirk' at Etretat. They are named respectively Marie-Celeste, Alexandrine-Clarisse, and Pauline-Adele—presumably after the unfortunate ladies of the cave. Only a few years ago, their chief employment was in calling the fisher-people to prayers, tolling for the dead, and summoning assistance in hours of danger, when a sudden light had arisen in the darkness out at sea, or when, by day, some ship, with bare-headed crew, was seen labouring in the wild waters below. A change has come over this old structure in the narrow and shadowy glen, and it is a lion of the two seasons—for Etretat has two. A still tranquil walk leads to where it stands, beyond the limits of the original village, dark-towered, though no longer lonely. The change is very evident here. I see, it is true, the ancient burial-stones half-buried in the earth, mutilated, mossy, with undecipherable words painted or graven on them; but there is a growth of modern graves, of a modern fashion, in their midst; decked with bead-wreaths and crosses, glazed niches, artificial flowers, frivolous dolls, rhymed prayers; and so at the fisherman's especial fane, a miniature chapel on a height above, visible from far off, whose doors are never shut by night or day, where there is no priest and no congregation, but whither the sailors come with their supplications for safety, or thank-offerings for escape or good-fortune. It is very warm and bright; and the perspective on every side, though few care to climb so high, is exceedingly inspiring.

The margin of the sea, without metaphor, shines brilliantly golden in the downward distance; the rocks look like pebbles, and the pebbles like grains of sand. Turn in one direction, and the face of the cliff, draped with moss of varied colours, sparkles with the scattered waters of a scarcely visible cascade that pours in spray from the summit; below, is 'the great bath of the sea-gull,' whither that clamorous bird is taking his way; in front, are giant rocks towering out of the water, so white that they seem to have caught the whiteness of the foam; and, wending along an upward path, certain children, headed by a priestly figure, and two or three 'sisters' in snowy head-dresses, are going to early prayers. One thing is noticeable at Etretat—no matter how calm the sea, it is never silent; the echoes from the grottoes are perpetual, though ranging from a sonorous murmur to a thunderous uproar; for the

waters often come in, though not in this June weather, so mightily and fiercely, that they seem as if about to rend the great rocks from their foundations. By some, indeed, the village is preferred as a winter lounge; but it is seldom real winter at Etretat, notwithstanding its northerly position—that is, you rarely have any snow, and people frequently bathe in December. I have seen it under both aspects, and while remembering pleasantly its new-year galas, prefer the sultrier month that dresses with figs, and shades with linden trees, the stony foundations of the Petit Val. The good wives sit chatting in the open air; the tide swells hotly in, with the sun glancing deep into its waters; the craft of the fishermen, whether lazily stranded, or as lazily afloat, or skimming, as if under sails of brick-red fire, far out beyond the chalky monolith of Beval, seem to glow together with one reflex of the season; green and yellow rushes, or, rather, a peculiar species of sea-weed, here and there fringe the sand; and a miniature white chateau, approached by trellised walks, suggests the idea of a summer-house. There is a girl standing on a hill, shading her eyes with one hand, and holding a child with the other, who is expecting something to make its appearance round that corner of the cliff, down which loose grass and stones are slowly rolling, as if they had done nothing else since the creation.

Women, we see, are hurrying down by La Val-leuse, a steep flight of steps, partly built in the soil above, partly chiselled out of the living rock; for the sea is going out, and the sands will soon be free from its salt, saturated by the fresh streams that, usually unseen, percolate in all directions the chalk; and this is the time for Nausicaa and her maidens to be at work—very brawny Nausicaas, very un-Grecian maidens. Here they are, each with a bundle of 'linen' (French for dirty clothes of all sorts) under her arms. They disperse to their several stations; they kick up holes in the sand with their wooden shoes, which instantly brim with soft, fresh water, and they ply their labours in this natural laundry amid a din of talk. For this is the Rialto, the Parliament, the Exchange of the fishing-people of Etretat. It is here that all matters are discussed interesting to them and theirs: the price of their single commodity in the neighbouring hamlets; how much the owner of boat 49 will have earned by next St Sylvester's Day; what marriages are whispered of. And the dames and damsels of the locality have it all their own way here; no man ever approaches their conference, unless it be, at long intervals, some unlistening coastguard, or unconscious stranger. But even this privileged and primitive ground of gossip is in danger by another tide than that of the sea. Already, the purely local chatter is mingled with echoes from a world which, within living memory, might have been heard of, but certainly never had been seen in that sequestered angle of the Norman coast. The original simplicity is fading out. 'Tourists,' or the Parisian equivalent for them, scrawl their names on the rock walls of the Maidens' Chamber, and would, for the same purpose, try to reach Romaine's Cavern, if they dared to try. Nowhere near Etretat at all will remain those 'solitudes for two,' which, in all likelihood, will long be found in the farther seclusions; and the little cliff-defended, church-tipped, cottage-clustered, white-fronted, yellow-floored, blue-edged, green-embroidered valley,

shorn of its idyllic graces, must in course of time degenerate into a play-ground for the bigger valley which brings the Seine from Paris, and a good deal of Paris with it.

EDIBLE BIRDS' NESTS.

EDIBLE birds' nests are found for the most part in the Southern Archipelago. The chief region of supply is that comprising Java, Borneo, Celebes, and the Sulu Islands. The bird which produces the nests is a little swallow, *Hirundo esculenta*. This salangan swallow, as it is called, is slightly bigger than a blue tit; it has a brown back; but the under surface of its body, as also the extremities of the feathers in its forked tail, are white. It flies with wonderful speed and precision; and on the Javan coast, where the surge breaks wildly against the precipitous and caverned walls of rock, the little birds may be seen in swarms darting hither and thither through the spray. They probably feed on fragments of molluscs and other small animals which abound on those coasts. As you watch the surface of the water rising and falling, you notice how the holes in the rock are now concealed, now open again; and the little creatures, watching their opportunity, dart in and out with lightning speed. Their nests are fixed to the arched roof of these caverns.

What sort of a thing, then, is the edible bird's nest that ministers to the taste of the luxurious Chinese? It is that portion of the fabric which serves as a sort of bracket on which the nest itself (made of grass, sea-weed fibres, small leaves, &c.) is built. There are two forms of this support, one flat like an oyster-shell, the other deep and spoon-shaped. It is a transparent mass, somewhat like isinglass, mother-of-pearl, or white horn, and is of animal origin. It was formerly supposed that this gelatine-like mass might be prepared in the bird's crop, from sea-weed and other marine plants. This, however, is a mistake. If one opens the animal's stomach about the time of building, it is found to contain insects, but no vegetable matter; moreover, in all species of the family of swifts, the crop is wanting. Dr Bernstein has found that at that season the salivary glands under the tongue are enormously developed. On opening the bill, they are seen as two large swellings, one on either side, and these chiefly supply the material in question. They secrete a viscid mucous substance like a concentrated solution of gum-arabic, which can be drawn out of the mouth in long threads; and in the air, it soon dries, and is found to be the same (even microscopically) as the bracket material. Blades of grass and similar objects can be stuck together with this saliva; and there is a species of salangan (supposed, but erroneously, to feed on sea-weed) which does not make a pedicle or bracket on which to build its nest, but merely sticks together, by means of its saliva, some grass, dry leaves, and sea-weed, and fixes them directly to the rock. The nests of this species, however, are not of great commercial importance.

When one of the little birds wishes to begin building, it flies repeatedly against the selected spot, pressing each time a little saliva against the rock with the tip of its tongue. This it will do from ten to twenty times, moving away not more than a few yards in the intervals. It then alights, and arranges the material in semicircular or horse-shoe form on the rock, continuing to add saliva; and by the motions of its body from side to side, the yet soft saliva is forced out over the harder parts, producing those peculiar undulatory bands which give the nest a stratified appearance. It is thought not unlikely that part of the secretion used by the bird comes from the largely developed glands in its stomach; also, that gelatinous matters picked up in the surge are employed in the construction of its nest. The salangan never uses the same nest more than once, and that for only a month, and after the young brood is flown, the nest soon decays and falls to pieces. The salangans are generally found to build their nests in the rocks of the coast, but not always. Thus, multitudes of them are met within the limestone caverns of the district Bandong, which is nearly in the middle of Java, and ten miles from either the north or the south coast. It is ascertained, too, that these birds leave their nests every morning to seek their food along the coast, so that they must travel at least a score of miles daily; in fact, these busy creatures, like the swifts of our summer, appear to be on the wing the whole day long.

If we are ready to wonder at the dexterity with which the little birds dart in and out of their dark rocky home, against which the ocean surge thunders with ceaseless fury, and bursts into upward-leaping foam, the exploits of the hardy natives whose business it is to 'pluck' the nests will still more surprise us. These men form a distinct and very exclusive class or craft. They have a special guardian angel, the goddess Loro, the queen of the coast, who rules the surge. This goddess (Junghuhn informs us) is held in high reverence. At a place called Rongkop, there is, on the summit of a bold rock, a temple erected in her honour. No mortal dwells there; and no one will pass without raising his hands to his head in grave salutation. It is death for any one to attempt to enter, except the chief of the society of nest-pluckers, who fills the office of priest. The goddess is supposed sometimes to come up from the sea, and go into this her dwelling, which is adorned with beautiful vessels, couches, and garments, whereof she may make use at her pleasure. The priest occasionally enters to remove dust from the furnishings. At such times, sacrificial incense is burnt at the door; not a word escapes the chief's lips; and the company outside remain in silent reverence on their knees. The plucking of the nests is preceded by a festival before the house of the goddess. Clean mats are spread on the grass, and covered with various articles of food. The priest first invites Queen Loro to take her place and partake of the dainties, while all the company throw themselves on their faces on the ground. Then the priest gives a signal, the men rise again, and the feast proceeds; while sounds of music come from the background, and dancing-girls make their appearance, decked with flowers.

We have now to consider the adventurous work of gathering the nests. The plucker, with nothing on but a cloth round his loins, and with a knife and a

netted bag at his side, takes his place on a stage (of two cross-bars) fastened to the end of a rope, and is let down against the face of the precipitous rock. With the left hand he grasps the rope; in the right, he has a rod, with which he holds himself as far as possible from the rock. Thus he descends, often several hundred feet, amid the roar of the breakers and the swarming of innumerable birds. When he has come opposite a salangan hole, he makes a signal, and the lowering is stopped. He now sets himself swinging—and here follows the most dangerous part of the operation—gradually increasing his width of swing, till he thinks he will be able to leap off into the hole, and find foothold on a part of the rock which he has previously noted. Should the venture fail, death is certain. The man has generally a thin cord fastened round his body, and connected with the rope, so as to enable him to pull the stage to himself again. Sometimes, though rarely, this cord breaks, and then there is nothing for it but to make a bold spring out towards the dangling stage. But so fearless and practised are the men, that they generally accomplish this fearful leap successfully, even when laden with their booty. When the plucker has got safely into the hole, he cuts off the nests with his knife, and puts them in his bag; for those high up, he uses the rod with the knife fixed to the end of it. The operation demands great address; the slippery rock, perhaps, hardly affords standing-ground, and the man will cling with hand and feet to the little cracks or projections; while the alarmed birds flit to and fro in the gloom, and the tumultuous water beneath flashes with phosphorescence. The plucker, however, knows his work, and when he is sufficiently laden, he draws the stage towards himself, mounts it, and is pulled up by his companions. Thereupon, another repeats the operation.

As the method just described is both a dangerous and a slow one, the natives adopt, when possible, another, which consists in fixing a rope-ladder from the top of the rock down to the cavern, and also a sort of hanging bridge of rope within the cavern, either running round the wall, or passing across. The internal surface of the cavern is often greatly pitted by the action of the weather, presenting a spongy appearance, so that it is not difficult to find points for attachment of the ropes. The craft is so very exclusive that no foreigner is permitted to enter the caste or be present at the ceremonies. Some Dutch merchants, indeed, once attempted to enter the caves, but none of them ever saw the light again. 'The goddess Loro has taken them to her bosom,' said the Javanese; and this was all the explanation they would vouchsafe.

The salangan swallows breed four times in the year, each time (as has been said) building a fresh nest. The nests are plucked three times, and thus only one brood is left to the birds. There is no perceptible diminution, however, of their number, which is pretty accurately known, as the nests are counted, and two birds are reckoned to each. The five caverns at Karang Bollong, in Java, thus contain 330,000 swallows, from which, in three pluckings, about 500,000 nests are annually taken. The plucking takes place always at the time of 'ripeness'; that is, when the majority of the nests contain young that are just beginning to be fledged. When they are fully fledged, the nests have become

coloured and useless. All the young birds and eggs found are cruelly thrown into the sea. The best 'harvest' is in the months of July and August; the next best, in November and December; the worst, in April and May. The collected nests are cleaned and assorted; they are first packed in bags of bamboo fibre or palm bast, and the merchants again pack them for the market (after a second assortment) in cases containing a half picul, or seventy pounds.

China is the only considerable recipient of these cases; the few cases which are brought as a curiosity to Europe and America are hardly worth mention. The greatest trade in birds' nests is done with Canton, the entire import there being reckoned at 1200 piculs, or 168,000 lbs. We may reckon on fifty nests to the pound, so that altogether 8,400,000 nests, or, from three pluckings, the products of 2,800,000 pair of birds, are annually introduced into China. There are, principally, two kinds of nests distinguished in Canton—the mandarin nests, and the ordinary; the former, or perfectly white kind, are sold at three to four thousand dollars per picul, which is double their weight in silver. Each pound thus costs in China twenty to thirty dollars, a quite exorbitant price, compared with that which the salangan pluckers themselves receive for their dangerous work, and which is, at the most, only ten to twelve per cent. of the market value. The second quality of nests are sold at sixteen hundred to twenty-eight hundred dollars. There is a small trade done in the kind of nest built by the so-called seaweed-eating salangan, referred to above; these are sold at two hundred dollars the picul. The nests are dissolved in water or broth, and so taken as soup. It is highly spiced with minor substances. This forms an entrée which is rarely wanting on the tables of the wealthy Chinese, and never from that of the imperial court at Peking. The Chinese set a high value upon it, considering it one of the best stimulants; but for this opinion there seems to be little or no ground. The most recent analysis of the nests we owe to Professor Troschel of Bonn. He finds that the material does not consist of specially nourishing or stimulating substances, but is quite similar in constitution to any animal saliva. Thus the Chinese pay dearly for what has really no intrinsic value.

SONNET.

How sweet to watch from some vine-covered hill,
That overlooks the peaceful vale below—
Round which in solemn grandeur white and still,
Clad in their robes of everlasting snow,
With hoary peaks uplifted to the sky,
Italia's sentinels, her mountains, stand—
A summer sunset and the daylight die
First in the valley, as if Twilight's hand
Were laid upon it, and it fled away
To sleep amid the mountains' ice and snow;
To nestle there until a new-born day
Shall wake to joy and life the world below.
If thou hast ever seen this picture, say,
Can any land a fairer, brighter shew?

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